

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,
Plaintiff,
v.
MARCIE BARNES, et al.,
Defendants.

Case No. 1:21-cv-01603-NONE-EPG (PC)

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff, who is proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). (ECF No. 1).

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

1 In this case, the Defendants do not reside in this District. Plaintiff alleges that the
2 violation of his rights occurred in Alameda County, which is in the Northern District of
3 California. Therefore, Plaintiff's claims should have been filed in the United States District Court
4 for the Northern District of California. In the interest of justice, a federal court may transfer a
5 complaint filed in the wrong district to the correct district. 28 U.S.C. § 1406(a).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
7 States District Court for the Northern District of California.

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9 IT IS SO ORDERED.

10 Dated: November 5, 2021

11 /s/ Eric P. Shoup
12 UNITED STATES MAGISTRATE JUDGE
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